

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KENSINGTON APARTMENT  
PROPERTIES, LLC,  
Plaintiff,  
v.  
LOANVEST IX, L.P., et al.,  
Defendants.

Case No. [19-cv-05749-VC](#)

**ORDER GRANTING MOTION TO  
SET ASIDE DEFAULT**

Re: Dkt. No. 65

The defendants' motion to set aside the default is conditionally granted. The plaintiff's counsel has set forth a declaration accounting for attorney's fees and costs the plaintiff incurred to pursue a default judgment and to respond to the defendant's motion to set aside the default (Dkt. No. 75). Those fees and costs total \$25,133, and they are reasonable. The plaintiff's counsel further explained at the hearing to set aside the default that the plaintiff incurred an additional \$1,800 in fees to review the defendants' reply brief and to prepare for the hearing. This is also reasonable. District courts may "condition setting aside a default upon" a defendant's reimbursement of attorney's fees and costs. *Nilsson, Robbins, Dalgarn, Berliner, Carson & Wurst v. Louisiana Hydrolec*, 854 F.2d 1538, 1546–47 (9th Cir. 1988). As a result, the defendants' motion to set aside the default is granted conditioned upon promptly reimbursing the plaintiff for its fees and costs totaling \$26,933. The defendants must pay that amount no later than 12:00 p.m. on Tuesday, November 23, 2021.

**IT IS SO ORDERED.**

Dated: November 18, 2021



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VINCE CHHABRIA  
United States District Judge